

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FLOYD ENGLISH MCNEAL,)	
)	
Plaintiff,)	
)	
v.)	No. 2:18-cv-02456-SHM-tmp
)	
KANSAS DEPT. OF REVENUE, (STATE)	
OF KANSAS), TENNESSEE)	
DEPARTMENT OF SAFETY & HOMELAND)	
SECURITY, and OFFICER WALLACE)	
Defendants.		

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation, dated August 20, 2018 (the "Report"). (ECF No. 7.) The Report recommends that the Court sua sponte dismiss McNeal's claims against Defendants pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (Id. at 53.)¹ McNeal has not objected to the Report.

For the following reasons, the Report is ADOPTED. The action is DISMISSED.

I. Background

On July 5, 2018, McNeal filed a pro se Complaint. (ECF No. 1.) The Complaint alleges that the Tennessee Department of

¹ Unless otherwise noted, all pin cites for record citations are to the "Page-ID" page number.

Safety and Homeland Security denied McNeal a driver's license in contravention of his Fourteenth Amendment rights to due process and equal protection of the law. (ECF No. 1 at 9.)

On July 5, 2018, McNeal also applied to proceed in forma pauperis. (ECF No. 2.) On August 20, 2018, the Court granted McNeal's motion to proceed in forma pauperis. (ECF No. 6.)

On August 20, 2018, United States Magistrate Judge Tu M. Pham entered the Report. (ECF No. 7.) The Report recommends that the Complaint be dismissed sua sponte pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) because "[t]he factual allegations in McNeal's complaint are insufficient to state a plausible claim for relief under § 1983." (Id. at 57.)

II. Analysis

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district-court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). A district court has the authority to "designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion." 28 U.S.C. § 636(b)(1)(B).

The district court has appellate jurisdiction over any decisions the magistrate judge issues pursuant to a referral. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. "A district judge must determine de novo any part of a Magistrate Judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). The district court is not required to review -- under a de novo or any other standard -- "any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. Id.; United States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981.)

McNeal has not objected to the Report, and the deadline to do so under Local Rule 72.1 has passed. See also 28 U.S.C. § 636(b)(1)(C). Adoption of the Report's recommendations is warranted. See Arn, 474 U.S. at 150-51.

III. Conclusion

For the foregoing reasons, the Report is ADOPTED. The action is DISMISSED.

So ordered this 23d day of October, 2018.

/s/_Samuel H. Mays, Jr._____
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE